

16 April 1978

Don't delay on CIA guidelines

ALL SPECULATION ended last week with regards to possible University-Central Intelligence Agency connections. For the first time, significant details were made available under the Freedom of Information Act (FOIA) about previously secret relationships between University faculty and the CIA which existed as long ago as the mid-1960's.

Professors in various departments and in the Center for Chinese Studies kept running correspondence with Agency personnel, frequently offering to scrutinize their students as possible CIA recruits. With the limited materials released by the Agency, though, it was impossible to determine whether such recruits were being used for actual spying or just for analytical work.

Faculty members and possibly administrators were also taking advantage of field trips, seminars, and classified documents offered by the CIA, sometimes offering questionable favors in return.

Right now, the names of such University employees are not as crucial as finding out to what extent their involvement with the intelligence agency may have hindered their responsibilities here or their overall commitment to education. Some evidence suggests that professors may

have been more enthusiastic about maintaining a CIA connection than their teaching duties.

The detailing of University-CIA ties brings up again the question of whether there should be formal restrictions on what a member of the University community can or cannot do in cooperation with the nation's intelligence agencies. Guidelines have already been adopted by some universities — Harvard being the prime example. That campus' guidelines prohibit secret relationships of any kind between faculty or staff and agencies like the CIA.

Identical guidelines have been considered at this University, but have been given low priority by some officials because there has previously been no documented proof of secret relationships with the CIA.

There is proof enough now to satisfy even the most skeptical of community members. We suggest that the Regents and the Senate Advisory Committee on University Affairs (SACUA) examine once more the merits of the so-called Harvard guidelines.

In light of the recent disclosures — and of possible future disclosures of even greater magnitude — the University should adopt restrictions which guarantee students an education free of government manipulation.

File

THE PHILADELPHIA INQUIRER

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*Melvin
Gan*

U.S. spy caper protested in India

By Barry Shlachter
Associated Press

NEW DELHI—Protesters chanting "CIA leave India" and "Jimmy Carter, Shame, Shame" demonstrated yesterday in front of the U. S. Embassy here in reaction to reports that the American intelligence agency in the 1960s planted nuclear-powered devices in the Himalaya Mountains to spy on China.

Prime Minister Morarji Desai said he had ordered a detailed inquiry.

About 50 demonstrators gathered at the embassy, which was guarded by 200 armed policemen. The protest ended peacefully after a Communist member of Parliament, C. K. Chandrapan, told them the incident proved that the United States

"hardly cares for the people of this country" and called for massive national protests.

"We are sure the young people of the United States who fought against the Nixon Administration along with the people of Vietnam are with us," said Chandrapan, a member of the pro-Soviet Communist Party of India.

Desai, speaking with reporters at New Delhi airport, sought to calm fears that the monitoring devices might leak and pollute the headwaters of the Ganges River with cancer-causing radioactive matter.

"There was nothing alarming about it," Desai said, but added that "so far I have not got the full facts of the case. I am holding a detailed inquiry about this matter."

He spoke with reporters shortly before welcoming Nepal's prime minister, K. N. Bista, at the airport.

An American magazine, *Outside*, has reported that mountain climbers hired by the U. S. Central Intelligence Agency lost a 125-pound plutonium-powered device in a 1965 avalanche on Nanda Devi, a 25,645-foot mountain near India's border with China. The instrument was to monitor atomic bomb tests in China, the magazine said.

Two years later, the climbers placed an identical device on a neighboring peak, Nanda Kot, said.

U. S. Ambassador Robert F. Goheen met twice last week with Indian officials in connection with the affair, which is threatening to set back a recent improvement in U. S.-Indian relations. The Indian press has condemned the CIA, and the subject will be debated tomorrow on the floor of parliament.

U. S. officials in Washington have said that the report was being investigated, and the Indians say that Goheen has promised to provide full information.

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THE NEW YORK TIMES
16 April 1978

Carter and Aides Press Spy Case That May Test President's Power

By **NICHOLAS M. HORROCK**
Special to The New York Times

WASHINGTON, April 15—Top officials of the Administration, including President Carter, have been deeply involved in the direction of an espionage case that could determine whether the Government may continue to make searches, tap telephones and install listening devices in national security investigations without first obtaining judicial warrants.

If the Government wins a conviction in the case and the conviction is upheld by the Supreme Court, it would be the first formal action establishing that a President may, on national security grounds, ignore the protections against illegal search and seizure embodied in the Fourth Amendment to the Constitution.

The Government succeeded in the first step of that campaign when a Federal district judge here ruled that evidence gained through warrantless wiretaps and eavesdropping was admissible at the trial.

The case, coupled with the indictment this week of three former officials of the Federal Bureau of Investigation and civil charges recently lodged against a former employee of the Central Intelligence Agency, makes it appear that the Department of Justice is engaged in a major re-examination of the conflicts between national security and individual liberties.

The trial of the espionage case, in which charges have been filed against David Truong, a young Vietnamese expatriate, and Ronald L. Humphrey, a United States Information Agency officer, is expected to open May 1 at the Federal courthouse in Alexandria, Va.

A review of the record of pretrial proceedings and interviews with Government officials and lawyers in the case indicate that its handling, its principals and its issues are unusual on several counts.

According to the indictment, the Government became aware of a conspiracy to commit espionage in 1976. From as

early as last May, the case clearly had the attention of the top echelon of the Carter Administration.

The case is under the direction of James Adams, the No. 2 man in the F.B.I. It drew the personal attention of Griffin B. Bell, the Attorney General; Adm. Stansfield Turner, the Director of Central Intelligence; Warren M. Christopher, the Deputy Secretary of State, and Zbigniew Brzezinski, Mr. Carter's assistant for international affairs.

President Carter personally approved and signed two authorizations for unusual investigative techniques, according to court testimony. In one, he permitted Federal agents to open, without a warrant, packages and envelopes allegedly being transmitted by Mr. Truong to Paris representatives of Vietnam. In the other, he authorized agents to install a secret videotape camera to film Mr. Humphrey at his U.S.I.A. office.

Mr. Bell, using authority claimed by several Presidents to order electronic surveillance without a judicial warrant in national security cases, permitted the F.B.I. to monitor Mr. Truong's telephone and place a secret microphone in his small Washington apartment from May 1977 until the arrest on Jan. 31, 1978, according to testimony and documents in the case. The surveillance produced boxes of tape recordings, many of which were apparently of conversations unconnected to espionage.

Testing Security Tools

The extensive use of electronic surveillance has suggested to several observers that the Justice Department is eager to test in court what Michael Tigar, Mr. Truong's lawyer, calls the "tools" of the internal security section. A senior State Department official said in an interview that the case had been brought "as a test of Presidential power and nothing else." He added, "It could have been handled differently, but they seemed to want confrontation."

Supporters of Mr. Truong, whose father was an internationally known opponent of President Nguyen Van Thieu of South Vietnam in the late 1960's, have argued that the prosecution is also aimed at destroying negotiations aimed at normalizing relations between the United States and the now unified Vietnam.

As a result of the prosecution, the United States informed Vietnam that its United Nations representative, Dinh Ba Thi, had abused his privilege of residence in the United States, and he subsequently was called home.

Impact and Magnitude of Case

But it is the domestic impact of the case, the magnitude of the investigation and the decision to bring one of the most serious charges in the United States code—espionage, which carries a penalty of life imprisonment—that have attracted the attention of civil libertarians as well as many in the legal profession.

Mr. Humphrey's lawyer, Warren L. Miller, for instance, said in an interview that it appeared the Government was seeking to make the case a "cause celebre."

Mr. Humphrey, a quiet, 42-year-old graduate of the University of Washington, served from late 1976 until August 1977 as a night watch officer in the communications center of the U.S.I.A. headquarters near the White House.

He is charged with copying classified State Department cable traffic, snipping off the classification markings and the name of the addressee and delivering the edited sheets to Mr. Truong, who lived in a modest apartment four blocks from the U.S.I.A. offices.

A crucial factor in the case will be just how secret and valuable these documents really were. By bringing an espionage charge, the Government is contending that they were vital to national security and defense. But the list of documents made public in court records has been described by several independent intelligence sources as a list of relatively low-level diplomatic cables, even though several documents carried a "secret" classification.

Controversy on Classification

For almost a decade in Washington there has been a major controversy over the Government's practice of "overclassifying" its files and communications.

Mr. Bell testified at a pretrial hearing that the State Department believed it had been "penetrated" by a foreign agent and at one point took the position that some of the documents were too secret to be declassified for use at the trial.

According to the indictment, Mr. Truong sent these documents and other

materials to officials of the Vietnamese delegation in Paris. The messenger for these trips was a South Vietnamese woman who was serving as a double agent, appearing to be a Vietnamese courier while actually working under cover for the C.I.A. and the F.B.I.

The courier, code-named "Keyseat," is Mrs. Dung Krall, the wife of a United States naval officer who reportedly now lives in London. Court records indicate that the F.B.I. paid Mrs. Krall \$32,000

over an undetermined period to act as an informer.

The Government has charged that Mr. Humphrey, Mr. Truong and unindicted co-conspirators used "fictitious names, coded communications, accommodation addresses and other means" to hide their spying. But, according to several experienced former intelligence officers, the case has a crude, amateurish air about it.

Visits Reporter d

Mr. Humphrey, according to the indictment, was observed several times entering and leaving Mr. Truong's apartment, used his own first name in telephone conversations and would alert Mr. Truong to exactly what time he expected to arrive or leave a meeting.

Mr. Truong, according to an F.B.I. affidavit, sent one message to Paris written in Vietnamese that seemed thinly disguised at best.

"I have attached those documents our friend was able to collect before changing jobs," the F.B.I.'s translation of the message says. "Because he lacks experience, he looks like he's about to come down with a liver ailment."

The translator suggested that the reference to liver disease was a way of saying that the contact was becoming frightened.

"He can't take them, so he reads them and takes notes," the translation continues. "As I told you before, our friend is now changing jobs, but in a month or two he will be working in the place which makes long-term policy. Please keep this information very secret."

Some observers also see in the case strong indications of blackmail. Mr. Humphrey, who served in South Vietnam in 1969 and 1970, had fallen in love with a Vietnamese woman and had kept up the acquaintance after being transferred to Germany.

Said She Was Mistreated

The woman, Chieu Thi Nguyen, now his common-law wife, was held captive by the Communists for 225 days after the fall of Saigon and was mistreated because she had worked for Americans, according to her affidavit.

While he was in Germany, Mr. Humphrey began a desperate effort to free his woman friend, their two children and two children of friends. She finally came to the United States in the fall of 1977 after the intercession of the German novelist and Nobel laureate, Heinrich Böll, and diplomats from Sweden, Germany and the United States, according to Mr. Humphrey's lawyer.

Mr. Truong and Mrs. Krall also had relatives living in Vietnam, and Mrs. Krall was concerned about whether her appearance as a witness would endanger her father and brother.

Several longtime intelligence officials said that Vietnam might be attempting to use techniques devised in the early 1950's by the Chinese Communists, who found that they could wrest assistance from overseas Chinese and others by warning of pressure on loved ones living on the mainland.

Was Antiwar Activist

Mr. Truong was active in the United States antiwar movement in the late 1960's, and many antiwar activists and members of the Vietnamese community have rallied around him since his arrest, forming the Vietnam Trial Support Committee. He was released from jail late yesterday after various groups helped raise \$250,000 bail.

But Mr. Humphrey, who has also been behind bars since Jan. 31, has seemed less involved in political dynamics and has been unable to raise \$150,000 bail. When he was arrested he gave the F.B.I. agents a statement in which he acknowledged copying the documents but said:

"I did not realize I was providing this information to a foreign government."

He contended in the statement that Mr. Truong "s'ked me for information concerning various topics, which he said were of interest to the Vietnamese peace movement." He added: "He also never told me that my providing him with cables would in any way assist Kim (Mr. Humphrey's wife) in exiting Vietnam. He did make general statements that if the peace movement were successful and relations established between Vietnam and the U.S. that it would facilitate the unification of families such as mine."

Both Mr. Humphrey and Mr. Truong pleaded not guilty to the seven-count indictment.